



underpaid, including overtime premiums for all hours worked over forty hours in a work week; liquidated and/or other damages as permitted by applicable law; and attorney's fees, costs, and expenses incurred in this action.

### **PARTIES**

5. Mr. Williams is an adult resident of 2016 Philsar St. Apt. 2, Memphis, Shelby County, Tennessee.
6. Plaintiff, and those similarly situated, are employees of Defendant for FLSA purposes.
7. Members of the collective action and/or prospective members are those current and former non-exempt employees of Morgan Steel who were not paid overtime wages for hours worked over forty in a workweek.
8. Upon information and belief, Defendant Morgan Steel LLC is a Tennessee-based corporation, and may be reached for service through its registered agent, Chris Morgan, 1207 Riverside Blvd, Memphis, TN 38106-2502.
9. At all relevant times complained of herein, Defendant was an employer under 29 U.S.C. § 203(e)(1).

### **JURISDICTION AND VENUE**

10. This Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1331 because this case is brought under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*
11. Defendant is a legal entity and has sufficient minimum contacts with the State of Tennessee such that it is subject to service of process in Tennessee and does business in the state of Tennessee. Therefore, this Court has personal jurisdiction over Defendant.
12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to Mr. Williams's claims occurred in this District.

**REPRESENTATIVE ACTION ALLEGATIONS**

13. Plaintiffs bring this Complaint as a collective action pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b), on behalf of all persons who were, are, or will be employed by Defendant in the period beginning three years from commencement of this action, who were not compensated at one and one-half times the regular rate of pay for all work performed in excess of forty hours per week.
14. This Complaint may be brought and maintained as a collective action pursuant to Section 216(b) of the FLSA, 29 U.S.C. § 216(b), for all claims asserted by Plaintiff because his claims are similar to putative collective action members.
15. Plaintiff and putative collective action members are similarly situated because they worked as non-exempt employees for Defendant and were subject to Defendant's common practice, policy or plan of failing to pay overtime wages for all hours worked over forty in a workweek.

**FACTUAL BACKGROUND**

16. Mr. Williams was hired by Morgan Steel on or about September 9, 2019.
17. Mr. Williams's employment with Morgan Steel ended on or about November 25, 2020, when he was terminated.
18. During his employment, Mr. Williams held the positions of loader and saw-operator, and as such he should have been classified by Morgan Steel as a non-exempt employee under the FLSA.
19. Mr. Williams and those similarly situated were paid a weekly rate, regardless of the actual number of hours worked.
20. Mr. Williams was paid a weekly rate of \$800 per week.
21. Mr. Williams and those similarly situated routinely worked in excess of forty hours per

week.

22. Mr. Williams and those similarly situated were not exempt from the right to receive overtime pay or to be paid for all hours worked under the FLSA.

23. Morgan Steel had the power to hire and fire Mr. Williams and those similarly situated.

24. Morgan Steel controlled the number of hours Mr. Williams and those similarly situated worked, as well as the rate and method of their payment.

25. Morgan Steel failed and refused to pay Mr. Williams and those similarly situated overtime premiums for all hours worked over forty in any given workweek.

26. Morgan Steel knew or should have known Mr. Williams and those similarly situated had worked overtime hours for which they were not paid.

27. Despite this knowledge, Morgan Steel willfully failed to pay Mr. Williams and those similarly situated overtime pay for every hour over forty hours worked in a work week.

**COUNT I--VIOLATION OF THE FAIR LABOR STANDARDS ACT**

28. Mr. Williams realleges and incorporates all allegations above as if actually set forth herein.

29. At all relevant times, Morgan Steel was an “employer” engaged in interstate “commerce” and/or in the production of “goods” for “commerce” within the meaning of the FLSA, 29 U.S.C. § 203.

30. At all relevant times, Morgan Steel employed Mr. Williams and those similarly situated.

31. At all relevant times, Morgan Steel had gross annual operating revenues in excess of Five Hundred Thousand Dollars.

32. The FLSA requires each covered employer, such as Morgan Steel, to compensate all non-

exempt employees for all hours worked at an hourly rate of not less than minimum wage and compensate all non-exempt employees at a rate of not less than one and one-half the regular rate of pay for work performed in excess of forty hours in a work week.

33. Morgan Steel willfully failed to pay Mr. Williams and those similarly situated overtime pay for every hour worked in a workweek throughout the time in which they were employed by Morgan Steel.

34. As a result of Morgan Steel's failure to compensate Mr. Williams and those similarly situated at a rate of not less than one and one-half times the regular rate of pay for all work performed in excess of forty hours in a work week, Morgan Steel has violated, and continues to violate, the FLSA, including 29 U.S.C. § 207(a)(1).

35. The foregoing conduct, as alleged, constitutes willful violations of the FLSA within the meaning of 29 U.S.C. § 255(a).

36. The foregoing conduct, as alleged, also fails to meet the standard of good faith compliance with the FLSA within the meaning of 29 U.S.C. § 260.

#### **PRAYER FOR RELIEF**

WHEREFORE, Mr. Williams and those similarly situated to him pray for relief as follows:

1. A declaratory judgment that the practices complained of herein are unlawful under the FLSA;
2. Pre-judgment interest, as provided by law;
3. An award of money damages for unpaid overtime premiums, including liquidated damages, in an amount to be determined at trial;
4. An award of costs and expenses of this action incurred herein, including reasonable attorneys' fees and expert fees; and

5. Designation of this action as a collective action on behalf of the proposed members of the FLSA representative action and prompt issuance of notice pursuant to 29 U.S.C. § 207(a) to all similarly situated members of the FLSA opt-in class apprising them of the pendency of this action and permitting them to assert timely FLSA claims in this action by filing individual Consents to Sue pursuant to 29 U.S.C. § 207(a);
6. Designation of Plaintiff Anthony P. Williams as Representative Plaintiff of the putative members in this FLSA collective action;
7. Any and all such other and further legal and equitable relief as this Court deems necessary, just, and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demand a jury trial on all causes of action and claims with respect to which he has a right to jury trial.

Respectfully submitted,

s/Philip Oliphant

Alan G. Crone, TN Bar No. 014285  
Philip Oliphant, TN Bar No. 025990  
THE CRONE LAW FIRM, PLC  
88 Union Avenue, 14<sup>th</sup> Floor  
Memphis, TN 38103  
800.forty3.7868 (voice)  
901.737.77forty (voice)  
901.474.7926 (fax)  
[acrone@cronelawfirmplc.com](mailto:acrone@cronelawfirmplc.com)  
[poliphant@cronelawfirmplc.com](mailto:poliphant@cronelawfirmplc.com)

*Attorneys for Plaintiff*

**DECLARATION AND VERIFICATION**

I, **Anthony P. Williams**, verify and declare that the facts stated in the foregoing Verified Complaint to the best of my knowledge and belief are true, and that the Complaint is not made out of levity or by collusion with the Defendant, but in sincerity and truth for the causes mentioned in the Complaint.



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**Anthony P. Williams**

Date: 01 / 05 / 2021

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## Audit Trail

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<b>FILE NAME</b>	Williams- FLSA Complaint.pdf
<b>DOCUMENT ID</b>	023a9b4f3ffafda22c1fb0581eed9a70ea78e734
<b>AUDIT TRAIL DATE FORMAT</b>	MM / DD / YYYY
<b>STATUS</b>	● Completed

## Document History



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(thewilliams0617@gmail.com) from jlc@cronelawfirmplc.com  
IP: 96.84.128.62



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IP: 75.66.204.254



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IP: 75.66.204.254



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